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Security Council Committee established pursuant to resolution 1267 (1999) concerning the situation in Afghanistan

Summary record of the 1st meeting (closed)
Held at Headquarters, New York, on Friday, 28 January 2000, at 4 p.m.

Chairman: Mr. Listre ..... (Argentina)

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The meeting was called to order at 4.15 p.m.

Adoption of the agenda

The agenda was adopted.

Letter dated 17 January 2000 from the representative of the Taliban in New York (S/AC.37/2000/COMM.1)

The Chairman drew the Committee's attention to a letter from the representative of the Taliban in New York (S/AC.37/2000/COMM.1) seeking authorization for religious Hajj flights to Saudi Arabia and back to Afghanistan to carry 12,000 pilgrims by Ariana Afghan Airlines. The operation would consist of two phases, each involving 90 round-rip flights, scheduled to take place from 9 February to 9 March and from 5 April to 5 May 2000, respectively. Expenses related to the flights would be paid by the Taliban from unfrozen funds available inside Afghanistan. All data related to the flights were contained in the attachment to the letter. Committee members had already discussed some aspects of the request at their most recent informal consultations at the expert level, in particular, the modalities for inspection and monitoring arrangements. He invited the Secretariat to brief the Committee on whether there was any additional information regarding possible funding of the monitoring activities.

Mr. Martinovic (Secretary of the Committee), said that he wished, first of all, to reply to a number of questions submitted to the Secretariat by a delegation of the Committee during the first informal consultations at the expert level.

With respect to the reason why Ariana Afghan Airlines wished to land in Sharjah, he said that the representative of the Taliban in New York had indicated that there were no agreements on ground services or other necessary agreements with any entity or authority in the Abu Dhabi airport but that there were such agreements with the airports of Sharjah and Dubai. The Sharjah airport was preferable because it had a larger office and could provide all the technical and other necessary services, such as fuel supplies, at a lower cost.

Shortly, the Secretariat would receive information on the financing of the operation, which it would communicate to delegations through the Chairman, or directly, at the next meeting.

With respect to monitoring activities in Afghanistan, the United Nations Development Programme (UNDP) had indicated that its main office for Afghanistan was in Islamabad and that it had two small offices in Afghanistan, one in Kabul and the other in Kandahar, staffed by local personnel and an international civil servant. In view of the skeletal staff and the country's complicated political situation, UNDP preferred not to participate in the inspection and monitoring activities for the time being but would like to hear the Committee's views on the matter.

Mr. Yampolsky (Russian Federation) asked the Secretariat whether representatives of the UNDP offices in Kabul and Kandahar could be present at the takeoff of those flights, even if they did not inspect passengers' personal effects.

Mr. Martinovic (Secretary of the Committee) said that, if the Committee insisted, the inspection could be done in Kabul and Kandahar. The position of UNDP and other agencies in Afghanistan was widely known, namely, that the issue was a sensitive one which must be considered not only from the political point of view but also taking into account the shortage of available personnel. He recalled that the practice, in the case of the Libyan Arab Jamahiriya, had been to ensure the joint presence of UNDP and the International Civil Aviation Organization (ICAO) at the loading and unloading points and their joint participation in aircraft inspections, both of cargo and passengers, while the local customs officials in the Libyan Arab Jamahiriya and Saudi Arabia were responsible for the standard inspection of baggage and personal effects or cargo, and notified UNDP or ICAO of any violation of Security Council provisions.

Mr. Yampolsky (Russian Federation) clarified that it was not a matter of UNDP conducting the inspections but rather of its representatives being present at the loading and takeoff of the aircraft in order to guarantee a United Nations presence.

Mr. McGurgan (United Kingdom) said that his country was not opposed to the request before the Committee, provided that the necessary aircraft inspections were conducted during stopovers in order to ensure that the aircraft were being used exclusively for purposes of the pilgrimage.

Mr. Young (United States of America) said that his Government preferred that the United Nations should monitor the flights in all scheduled landing and

takeoff sites in Afghanistan, the United Arab Emirates and Saudi Arabia. He wished to know whether there was sufficient personnel in Kabul and Kandahar, or whether there was some way of temporarily assigning personnel from the Islamabad office for the purposes of those flights.

During the stopover in the United Arab Emirates, no one should be permitted to board or deplane, and aircraft services should be limited to the provision of fuel and food and other related services. It would be vital to hear the post-flights reports that were required to be submitted by the Member States concerned, namely, the United Arab Emirates and Saudi Arabia.

Mr. Rani (Malaysia) said that his delegation also had no objection to the Taliban request. Generally speaking, neither the Security Council nor the Committee should spare any effort to facilitate humanitarian assistance in order to ease the negative impact of the sanctions. The lack of funds or the non-applicability of the monitoring mechanism should not be constraints, and other options should be considered. Any decision taken by the Committee that seemed in any way to impede humanitarian exemptions to the sanctions would give the world the false impression that the Security Council was rigorous in the imposition of sanctions but less so in mitigating their undesirable consequences.

Mr. Martinovic (Secretary of the Committee), replying to the question raised by the representative of the Russian Federation, said that UNDP would have to be consulted about its possible cooperation or participation in the supervision or monitoring of flights, which would have additional financial implications. The question of available personnel would also have to be considered.

Letter dated 17 January 2000 from the representative of the Taliban in New York (S/AC.37/2000/COMM.2)

The Chairman drew the Committee's attention to a letter from the representative of the Taliban (S/AC.37/2000/COMM.2) requesting exemptions for Ariana Afghan Airlines from some of the established prohibitions, since Afghanistan was a landlocked country, dependent to a great extent on air transportation, including for the import of humanitarian supplies and the performance of religious duties abroad.

Mr. Yampolsky (Russian Federation) said that there was a sufficiently clear position of the international community, expressed in the relevant Security Council resolutions, which was, in that case, to impose sanctions on those flights. The circumstances that would make it possible to suspend or lift those sanctions were also clearly established. The Security Council should know that.

Mr. Young (United States of America) expressed full agreement with the remarks of the representative of the Russian Federation.

The Chairman suggested that, as some delegations had objections to the request from the representative of the Taliban, the secretariat of the Committee should draft a letter indicating that the Committee did not support the request.

Letter dated 18 January 2000 from the Acting Permanent Representative of Germany to the United Nations (S/AC.37/2000/COMM.3)

Mr. Martinovic (Secretary of the Committee) said that, if the Committee authorized the medical evacuation flight requested, one of the aircraft designated for the pilgrimage flights would be used on 16 and 19 February in order to conduct the flights to Germany contracted by a non-governmental organization. The Taliban had informed the German authorities that they were prepared to reschedule the flight, which had been rejected because the logistical preparations of the operation had taken such a long time. The number of children to be transported had not yet been determined, but it was expected to range from 80 to 100. The German authorities had promised to submit a list containing all the names of the Afghans who would be leaving Kabul. Stopovers were scheduled in Tajikistan, Armenia and Georgia on the flight to Dusseldorf, in order to pick up other children in those places en route to Germany. A small group of adults who would accompany the children travelling to Germany and an equal number of children returning from there would be transported on the return trip. The UNDP offices in the United Arab Emirates and Saudi Arabia were prepared to proceed if the Controller informed the Secretariat that funds were available for the operation.

Mr. Yampolsky (Russian Federation) requested the Secretariat to provide information on the return flight, particularly whether there would be stopovers in

Tbilisi, Jerevan and Dushanbe before proceeding to Afghanistan.

Mr. Martinovic (Secretary of the Committee) said that, according to the plan, stopovers would be made travelling both ways. Stopovers were scheduled on the return flight in order to repatriate the same number of children of the three nationalities as had made the trip to Germany. That was not the first operation of its kind. The Secretariat had sent the relevant information to UNDP and requested it to conduct the flight inspections in Tajikistan, Armenia, Tbilisi and Jerevan.

Mr. McGurgan (United Kingdom) said that his delegation wished to receive a list of crew members.

Mr. Young (United States of America) said that the stopovers mentioned were somewhat disturbing. Although the resolution did permit the use of Ariana Afghan Airlines for humanitarian purposes, the use of the airline to pick up children of other nationalities from other countries wholly unrelated to Afghanistan gave cause for concern. His delegation would prefer that stopovers were eliminated from that flight, and that the German non-governmental organization arranged to pick up those children in some other way. He asked how the German non-governmental organization would make payments for that flight without violating the provisions of resolution 1267 (1999).

Mr. Martinovic (Secretary of the Committee) said that the Committee would have to wait until it heard the position of UNDP on the matter. He did not think it was an excessive burden, in view of the fact that, in the past, a humanitarian cargo flight to Afghanistan had been monitored by the UNDP office in the United Arab Emirates.

Letter dated 25 January 2000 from the Secretary-General of the International Civil Aviation Organization (ICAO) (S/AC.37/2000/COMM.4)

Letter dated 20 January 2000 from the Director-General and Chief Executive Officer of the International Air Transport Association (IATA) (S/AC.37/2000/COMM.5)

The Chairman drew the Committee's attention to the letter concerning ICAO cooperation with the Committee in the implementation of paragraph 6 (f) of resolution 1267 (1999) (S/AC.37/2000/COMM.4). The Secretariat had been in close contact with IATA and would discuss further its concrete contribution in the near future.

Mr. Martinovic (Secretary of the Committee) said that, in the first informal consultations at the expert level, held in December 1999, it had been reported that the Secretariat had already been in contact with ICAO and with IATA concerning paragraphs 4, 6 (e) and (f) and 12 of the resolution. Moreover, representatives of the two organizations would hold a working meeting at the expert level with the Secretariat in New York in order to determine their participation and cooperation and share ideas on the relevant paragraphs of the resolution. If problems arose or if delegations wished clarification of certain points, a meeting of the Committee could be convened following that meeting.

Mr. Geng Shuang (China), referring to the matters relating to ICAO and IATA, said that, since the letters in question had been received the day before, time was needed to study them. Discussion and decisions relating to both topics should occur after the Secretariat informed the Committee of the outcome of the consultations held with the representatives of the two organizations. Also, he had no objection to granting authorization to carry out the flights under discussion, given the humanitarian and religious purposes of the operations.

The Chairman agreed that the topics should be discussed after receiving the observations of ICAO and IATA.

Mr. Young (United States of America) supported the proposal. Concerning the IATA communication, he requested the Secretariat to seek clarification from IATA so that the Committee could take a decision on its request. It was to be hoped that IATA would submit a full report on its civil aviation activities in Afghanistan, which had been financed from its Air Traffic Control Enhancement and Financing Service. He would appreciate information on the whereabouts of the account for that Service, the movement of funds, available funds, and the extent to which the Taliban had access to that account. It would also be useful to have information on how transactions were effected in order to ensure that the Taliban did not have access to the account for purposes other than those specified.

The Chairman said that it was important for the Secretariat to take into account the questions raised by the representative of the United States of America.

Mr. Yampolsky (Russian Federation), referring to the IATA communication (S/AC.37/2000/COMM.5), said that he understood that the letter was a request for the financing of a project and would therefore be grateful for information on its approximate cost, which, since it involved a rather complex technical system, was undoubtedly high.

The Chairman suggested that the Secretariat should compile all the questions raised in order for the Committee to consider them after the meeting to be held with the ICAO and IATA representatives. Pending questions concerning flight authorizations would be dealt with in informal consultations.

The meeting rose at 5.05 p.m.